

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MELVIN A MORRISS III, an individual;

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a
Delaware corporation;

Defendant.

8:13CV24

MEMORANDUM AND ORDER

IT IS ORDERED that the final progression order is as follows:

- 1) The jury trial of this case is set to commence before Richard G. Kopf, Senior United States District Judge, in the Special Proceedings Courtroom, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 9:00 a.m. on **July 7, 2014**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **June 24, 2014 at 9:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on June 23, 2014. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is February 18, 2014. Motions to compel Rule 33 through 36 discovery must be filed by February 4, 2014.
- 4) The railroad's motion to extend the time to respond to the plaintiff's motion to compel, (Filing No. 43), is granted. The defendant's brief shall be filed on or before October 25, 2013.
- 5) The plaintiff's motion to continue the expert disclosure deadlines, (Filing No. 25), is granted. The deadlines for identifying expert witnesses

expected to testify at the trial and for serving complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	December 2, 2013.
For the defendant(s):	January 3, 2014.

- 6) The deposition deadline is February 18, 2014.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is March 14, 2014.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is March 14, 2014.

October 16, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge